

Office: West LA  
Applicant Copy  
Application Invoice No: 42314

City of Los Angeles  
Department of City Planning



LA Department of Building and Safety  
WL MARI 302061260 12/15/2017 4:09:18

PLAN & LAND USE \$106  
DEV SERV CENTER SURCH-PLANNING \$2

Sub Total: \$108

Receipt #: 0302113921

### City Planning Request

NOTICE: The staff of the Planning Department will analyze your request and accord the staff's decision on your application, regardless of whether or not you obtain the services of an attorney.

This filing fee is required by Chapter 1, Article 9, L.A.M.C.

Applicant: SANN, STEVEN ( 213-4488147 )
Representative:
Project Address: 1099 WESTWOOD BOULEVARD

NOTES:
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DIR-2017-2942-DRB-SPP-1A			
Item	Fee	%	Charged Fee
Appeal by Aggrieved Parties Other than the Original Applicant *	\$89.00	100%	\$89.00
Case Total			\$89.00

Item	Charged Fee
*Fees Subject to Surcharges	\$89.00
Fees Not Subject to Surcharges	\$0.00
Plan & Land Use Fees Total	\$89.00
Expediting Fee	\$0.00
Development Services Center Surcharge (3%)	\$2.67
City Planning Systems Development Surcharge (6%)	\$5.34
Operating Surcharge (7%)	\$6.23
General Plan Maintenance Surcharge (7%)	\$6.23
Grand Total	\$109.47
Total Invoice	\$109.47
Total Overpayment Amount	\$0.00
Total Paid (this amount must equal the sum of all checks)	\$109.47

Council District: 5  
Plan Area: Westwood  
Processed by WHISNANT, MARY on 12/15/2017

Signature: S Whisnant



**DEPARTMENT OF BUILDING AND SAFETY**

LA Department of Building and Safety  
WL MARI 302061260 12/15/2017 4:09:18 PM

Receipt #: 0302113921 \$109.47

Total: \$109.47

VISA CREDIT USD\$109.47  
Card No: \*\*\*\*\*9774  
CHIP

Signature Authorization: 02609B

SANN/STEVEN

Reference No: 3286

EMV Receipt Section  
Application Label: CHASE VISA  
TC: 1E74D8AC72837F84  
TVR: 0080008000  
AID: A0000000031010

# ORIGINAL



## APPLICATIONS:

### APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

#### 1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☒ Area Planning Commission    ☐ City Planning Commission    ☐ City Council    ☐ Director of Planning

Regarding Case Number: DIR-2017-2942-DRB-SPP; CEQA: ENV-2017-2943-CE

Project Address: 1099 Westwood Boulevard; Los Angeles, CA 90024

Final Date to Appeal: 12/15/2017

Type of Appeal:    ☐ Appeal by Applicant/Owner  
                              ☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved  
                              ☐ Appeal from a determination made by the Department of Building and Safety

#### 2. APPELLANT INFORMATION

Appellant's name (print): Steven D. Sann

Company: \_\_\_\_\_

Mailing Address: 10940 Wilshire Boulevard, Suite 1400

City: Los Angeles    State: CA    Zip: 90024

Telephone: (213) 448-8147    E-mail: stevesann2001@yahoo.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self    ☐ Other: and on behalf of members of the Westwood community

- Is the appeal being filed to support the original applicant's position?    ☐ Yes    ☒ No

#### 3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): N/A

Company: N/A

Mailing Address: N/A

City: N/A    State: N/A    Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_    E-mail: N/A

## 4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed?

☒ Entire

☐ Part

Are specific conditions of approval being appealed?

☐ Yes

☒ No

If Yes, list the condition number(s) here: N/A

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

• The reason for the appeal

• How you are aggrieved by the decision

• Specifically the points at issue

• Why you believe the decision-maker erred or abused their discretion

*PLEASE SEE  
ATTACHED LETTER +  
EXHIBITS/PHOTOS.*

## 5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: *[Signature]*

Date: 12/15/2017

## 6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>S. Whisnant</u>	Date: <u>12/15/17</u>
Receipt No: <u>6302113921</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**STEVEN D. SANN**  
10940 WILSHIRE BOULEVARD, SUITE 1400  
LOS ANGELES, CA 90024  
WRITER'S DIRECT PHONE: (213) 448-8147  
WRITER'S EMAIL: STEVESANN2001@YAHOO.COM

**ORIGINAL**

December 15, 2017

West Los Angeles Area Planning Commission  
c/o Harold Arrivillaga, Commission Executive Assistant I  
City Hall  
200 North Spring Street, Room 525  
Los Angeles, CA 90012

Esther Margulies, President  
Michael Newhouse, Vice President  
Joseph W. Halper, Commissioner  
Lisa Waltz Morocco, Commissioner  
Heather E. Rozman, Commissioner

**Re: Case No. DIR-2017-2942-DRB-SPP; CEQA: ENV-2017-2943-CE**  
**1099 Westwood Boulevard; Los Angeles, CA 90024**  
**Applicant: Artisanal Brewers Collective, LLC (dba Broxton)**

Honorable Commissioners:

First, Happy Holidays and Happy New Year.

This letter is written to supplement the appeal form submitted to the West Los Angeles Area Planning Commission of the above captioned case, including the reasons for this appeal, the specific points at issue, why I, members of both the Westwood Neighborhood Council and the Westwood Community Council, as well as others in our Westwood community believe the decision-maker erred or abused their discretion, and how our Westwood community is aggrieved by the decision.

The subject of this appeal is the **landmark Janss Investment Corporation Building** (aka Janss Dome Building) at 1099 Westwood Boulevard, a **City Historic-Cultural Monument** (HCM No. 364, declared June 21, 1988).


I have no doubt that you are familiar with this landmark structure in Westwood Village. There is no more important building in our entire Village.

***Background on the Janss Dome Building:***

The Janss Dome Building is identified in the Westwood Village Specific Plan as one of the most highly significant Cultural Resources in Westwood Village (Cultural Resource No. 36). It is also designated by the Planning Department's Survey L.A. as eligible for listing on both the California Register of Historic Resources as well as the National Register of Historic Places, the Federal government's official list of the nation's most important buildings and cultural resources worthy of preservation.

The Janss Dome Building was the first building to break ground in Westwood Village, in April 1929, and the first to be completed the following November. It remains the oldest, most prominent, and most intact structure in our Village. It is a beloved Village landmark, an icon in our Westwood community.

The building was commissioned by Westwood's founders, brothers Edwin and Harold Janss of the Janss Investment Corporation, which company developed Westwood, Westwood Village, Holmby Hills, and which

3 of 7 SW  




famously sold 375 acres of their former rancho land at a significant discount to The Regents of the University of California become UCLA's new campus in Westwood.

ORIGINAL

The Janss brothers hired master architects James and David Allison to design what was intended to be the signature building in the Village – their headquarters building, just as the UC Regents had hired Allison & Allison to design UCLA's most iconic structure – landmark Royce Hall. (The Allison & Allison firm designed five of UCLA's earliest landmarks, including two of the four buildings that comprised UCLA's iconic "Quadrangle" in 1929. These include the Physics-Biology Building – now the "Humanities Building", as well as Kerckhoff Hall, the Women's Gymnasium – now "Glorya Kaufman Hall", and the original wing of the Administration Building – now "Murphy Hall".) Allison & Allison also designed numerous other landmarks and educational buildings throughout Los Angeles.

In keeping with Janss Company's original mandate for "Mediterranean architecture" in Westwood Village, the Janss Dome Building was designed by Allison & Allison in Spanish Colonial Revival style with Classical Revival influences, and with its monumental Rotunda and Dome featuring distinctive Moorish elements. This set the architectural tone for Westwood Village, and was in order to harmonize "the Town with the Gown" and to tie the Village architecture with the distinctive Italian Romanesque style on the UCLA campus.

The Janss Dome Building will mark its milestone 90th Anniversary in 2019, coinciding with the Centennial Celebration of UCLA (including its first decade on the original Vermont Avenue campus, from 1919-1929).

**Appeal Point No. 1 – illegal removal and alteration to one of the character-defining exterior doors and window frames without obtaining a Certificate of Appropriateness:**

The Westwood Village Specific Plan provides as follows:

*Section 6. PRESERVATION OF CULTURAL RESOURCES*

*C. Certificate of Appropriateness:*

*No cultural resource in the Specific Plan area shall be demolished, relocated, significantly altered or removed unless a Certificate of Appropriateness has been approved by the designated decision-maker in accordance with the standards and procedures set forth in Sections 12.20.3 K, N, O, P and Q of the Los Angeles Municipal Code. The Westwood Community Design Review Board (Design Review Board) shall perform the functions of the Board" specified in those sections.*

Contrary to the clear requirement of this section, the Applicant has failed to obtain the required Certificate of Appropriateness before embarking on any alterations, repairs, or restorations of the exterior façade.

Throughout the review process for this project, and at multiple meetings of the Westwood Design Review Board, I and others asked repeatedly why the Applicant had not applied for a Certificate of Appropriateness (COA)?

The Applicant repeatedly claimed "we are not touching the building" and therefore no COA is required."

In fact, the Applicant submitted a letter from ESA Consultants dated September 6, 2017 to the Westwood Design Review Board, which letter stated in part: *"The Project would retain and preserve all the character-defining features of the building and would not remove or damage any features."* (emphasis added)

Contrary to these misrepresentations by the Applicant in its written application to the DRB, as well as repeated public statements before the Land Use and Planning Committee, the full Board of the Westwood Neighborhood Council, and the Design Review Board, the Applicant has already begun construction on

EXTERIOR elements of the building, the Janss Dome Building, which of course is a City Historic-Cultural Monument.

ORIGINAL

Please see the attached photos of one of the metal doors, door frames, window frames, and at least one window (lower left pane) facing Westwood Boulevard that have been removed and altered.

In contrast, you can compare this altered door frame and window frame with OTHER exterior doors, door frames, and window frames:

Of course, the doors, door frames, windows, and window panes are “character-defining features” of this Historic-Cultural Monument.

Additionally, the Applicant plans to add a screening wall above a lower parapet of the building (to hide mechanical equipment for its new brewery operation).

Both of these alterations constitute “touching the building” and require a COA prior to such construction and alteration to the historic structure.

Failure to secure a COA prior to construction, and removal of the original door, amounts to “piecemeal project approval” and is a violation of CEQA.

And yet, no Certificate of Appropriateness was ever applied for by the Applicant, no plans for any work on windows or doors were ever submitted to or reviewed by the DRB, and no COA has been issued.

This is a serious error or abuse of discretion by the decision-maker. In fact, it is a serious breach of faith by the Applicant, as it is completely contrary to the statements and representations by the Applicant.

Based on these facts, and especially the illegal removal of the door and damage to some of the existing window panes, I believe your Commission must grant this appeal.

**Appeal Point No. 2 – “Bait and Switch” of Applicant’s set of plans submitted to the Westwood Neighborhood Council and a different set submitted to the Planning Department, and Applicant’s and failure to repair a window as shown on the plans to the Westwood Neighborhood Council.**

Over the past year, the Applicant appeared multiple times before the Westwood Neighborhood Council Land Use and Planning Committee and the full Board.

In fact, the Applicant submitted TWO different sets of plans (because they apparently fired their original architect, LEAN Architects, and hired a new architect, Anthony Eckelberry – Architectural Design Studio, Inc.)

However, on BOTH sets of plans by the two different architects, the Applicant submitted plans to the Westwood Neighborhood Council showing their intention to repair and restore the partially altered and destroyed lower portion of one of the monumentally scaled arched windows contained in the Domed portion of the Rotunda, facing Westwood Boulevard.

In fact, on Sheet 15 (“East Elevation”) in the Plans drawn by Anthony Eckelberry architect, which Plans were most recently submitted by the Applicant’s representative, Margaret Taylor, to the Westwood Neighborhood Council, these Plans include the following Note (written in ALL CAPS):

**“REMOVE PLATE GLASS LOWER PORTION AND REPLACE WITH NEW STEEL STOREFRONT TO MATCH EXISTING”.**

Please see attachments.

However, after receiving approval from the Westwood Neighborhood Council, the Applicant SWITCHED THEIR SET OF PLANS, and submitted a DIFFERENT SET OF PLANS to the Planning Department, which

altered set removed ALL plans, drawings, renderings, and notes referencing the repair and restoration of this character-defining feature shown to the Neighborhood Council.

ORIGINAL

In my 21 years of attending meetings of the Westwood Design Review Board, I cannot recall a single previous incident where an Applicant (or an Applicant's representative) had essentially committed a "Bait and Switch" – showing one set of Plans to the Neighborhood Council (or any member of the public), obtaining a project approval based on that set of plans, and the SWITCHING the set of plans shown with a different set given to the Planning Department and the Westwood Design Review Board.

The Applicant never disclosed this Bait and Switch, they never disclosed to City Staff that there were two sets of plans, never informed the Neighborhood Council or other members of the public that this significant "Switch" had occurred which removed a key element of their design.

After this Bait and Switch was discovered, it was discussed at TWO meetings of the Land Use & Planning Committee of the Westwood Neighborhood Council

Following these discussions, at its meeting on November 8, 2017, the Westwood Neighborhood Council Land Use and Planning Committee as well as its full Board considered the second question contained in this appeal. (Note: The first question – the illegal removal of the door and alteration of the door and window frame on Westwood Boulevard – had not yet occurred so it could not be considered or discussed by the Neighborhood Council.)

The Westwood Neighborhood Council adopted the following Motion on November 8, 2017, upon the recommendation of its Land Use & Planning Committee. (The following is taken verbatim from the Minutes of the WWNC Board for that meeting):

#### A. BROXTON

The issue is whether the window will be restored as portrayed in the original packet that Artisanal Brewers Collective (ABC) submitted to the LUPC. The packet was different than that submitted to the DRB, where the window restoration did not appear. A number of people spoke on this issue, both board members and stakeholders. Chair Connie Boukidis moved:

*"WHEREAS, the Janss Investment Corporation Building (aka "Janss Dome Building") at 1099 Westwood Boulevard in Westwood Village in 1988 was declared by the City of Los Angeles as a Historic-Cultural Monument and in 1989 was designated in the Westwood Village Specific Plan as one of the most highly significant Cultural Resources in Westwood Village:*

*BE IT RESOLVED, THAT the Westwood Neighborhood Council wants Artisanal Brewers Collective, L.L.C. (ABC), Applicant, to submit a repair and restoration plan for project review and approval by the Westwood Community Design Review Board (DRB), and to obtain a Certificate of Appropriateness (COA) from the Director of Planning upon recommendation by the Westwood DRB, that removes the damaged lower portion of the original monumental and multi-paned arched window in the main portion of the Janss Dome Building facing Westwood Boulevard, and replaces this altered plate glass section with new steel multi-paned windows to match the original design that conforms with the Westwood Village Specific Plan's provisions, the Secretary of the Interior's Standards for Rehabilitation, and the City of Los Angeles Office of Historic Preservation requirements.*

*Said new steel multi-paned windows will essentially match the drawing of said plate glass section on Page 15 of the set of plans Applicant initially brought to the WWNC early in 2017 and not the drawing on Page 15 of the set of Plans filed with the DRB this past summer.*



Finally, we want Applicant to return to our LUPC on January 10, 2018 with a status report and submit the same package to us for review as that submitted for this project submitted to the City of Los Angeles and Westwood Design Review Board."

ORIGINAL

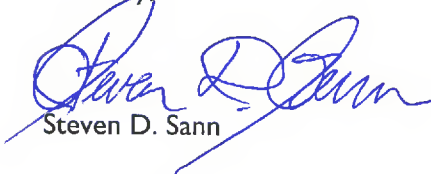
It is painfully clear that the Applicant has misrepresented its intentions both to the Westwood Neighborhood Council as well as to city Planning staff, the Westwood Design Review Board, and Director of Planning Department.

The Applicant NEVER indicated that they would be removing, altering, and damaging one of the exterior doors, door frames, and window frames of this Monument. The Applicant never revealed to City Planning staff that the set of plans they were submitting to the City were MATERIALLY DIFFERENT from the set of plans they had submitted to the Westwood Neighborhood Council.

Failure to be honest and transparent with City staff, and with the members of the Westwood Design Review Board, as well as failure to apply for a Certificate of Appropriateness, constitutes significant error, and a violation of both the Westwood Village Specific Plan and the requirements of CEQA.

Therefore, on behalf of our Westwood community, I respectfully ask that you support the position adopted by the Westwood Neighborhood Council in its November 8, 2017 motion, and that you **grant this appeal**, and direct the Applicant to submit a proper application to the Planning Department for a Certificate of Appropriateness for this project as required by the Westwood Village Specific Plan, and that further, that the Applicant be directed to construct the project as was visually depicted and as detailed in the plan Notes submitted to the Westwood Neighborhood Council including the repair of the multi-paned window shown on Sheet 15 ("East Elevation) of the Applicant's plans that were submitted to the Westwood Neighborhood Council.

Sincerely,



Steven D. Sann

Attachments

REMOVED  
DOOR +  
ALTERED

DOOR/  
WINDOW  
FRAME

DAMAGE  
TO  
WINDOW

EXHIBIT 8 / Q12 PICTURE *AS Q12*





MS 2009 covered 2182 419'4" x 3 SW



Exhibit 3 of 12 Pictures 600-5W





Exhibit 44 of 12 pictures ~~SW~~ SW





MS ~~000~~ 2185 pictures ~~SW~~



Exhibit 4 6B12 Pictures ~~in~~ in



Store Hours:  
Monday-Friday 9-6  
Some Saturdays 10-4  
Sundays Closed

HISTORIC PHOTO  
SHOWING ORIGINAL  
MULTI-PANED  
WINDOW

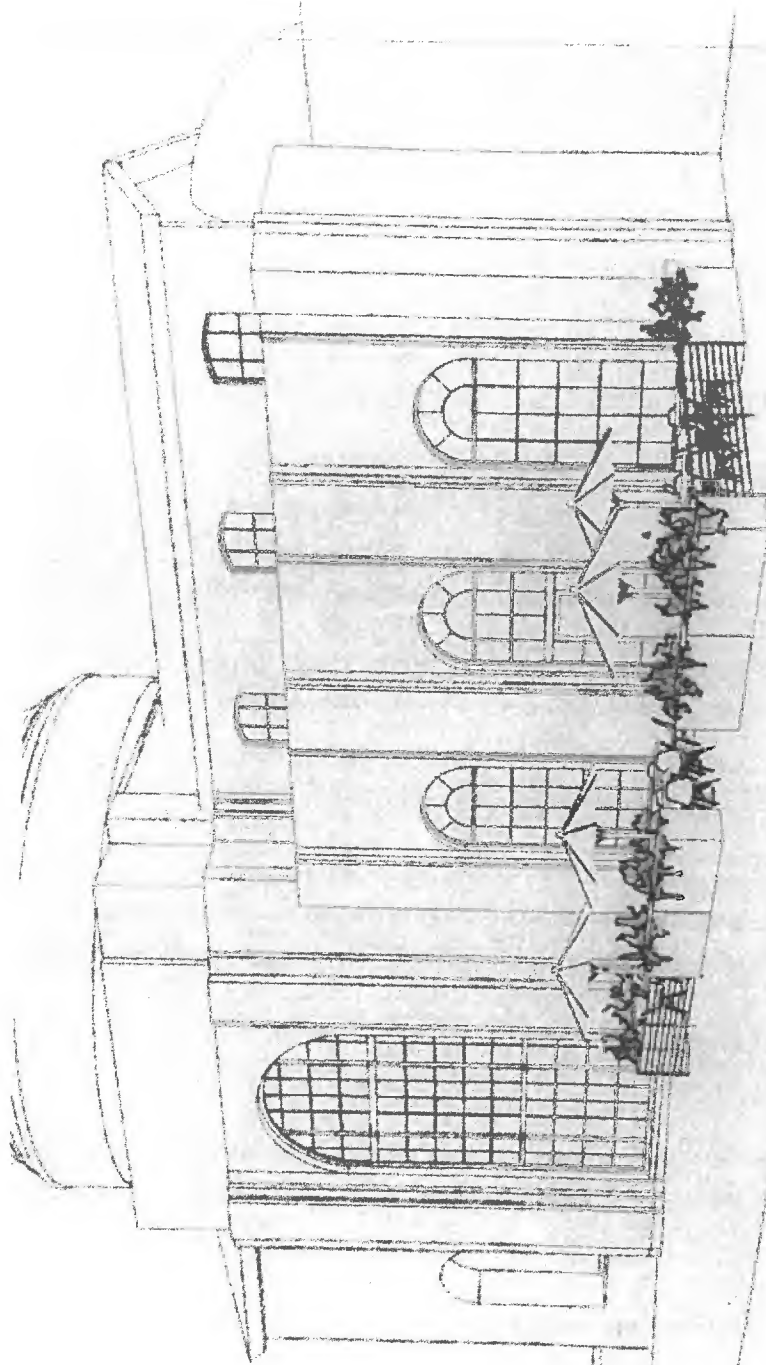


MS. 88.1.12 PICTURE 88.1.12.9



Exhibit 9812 picture ~~88~~ SW

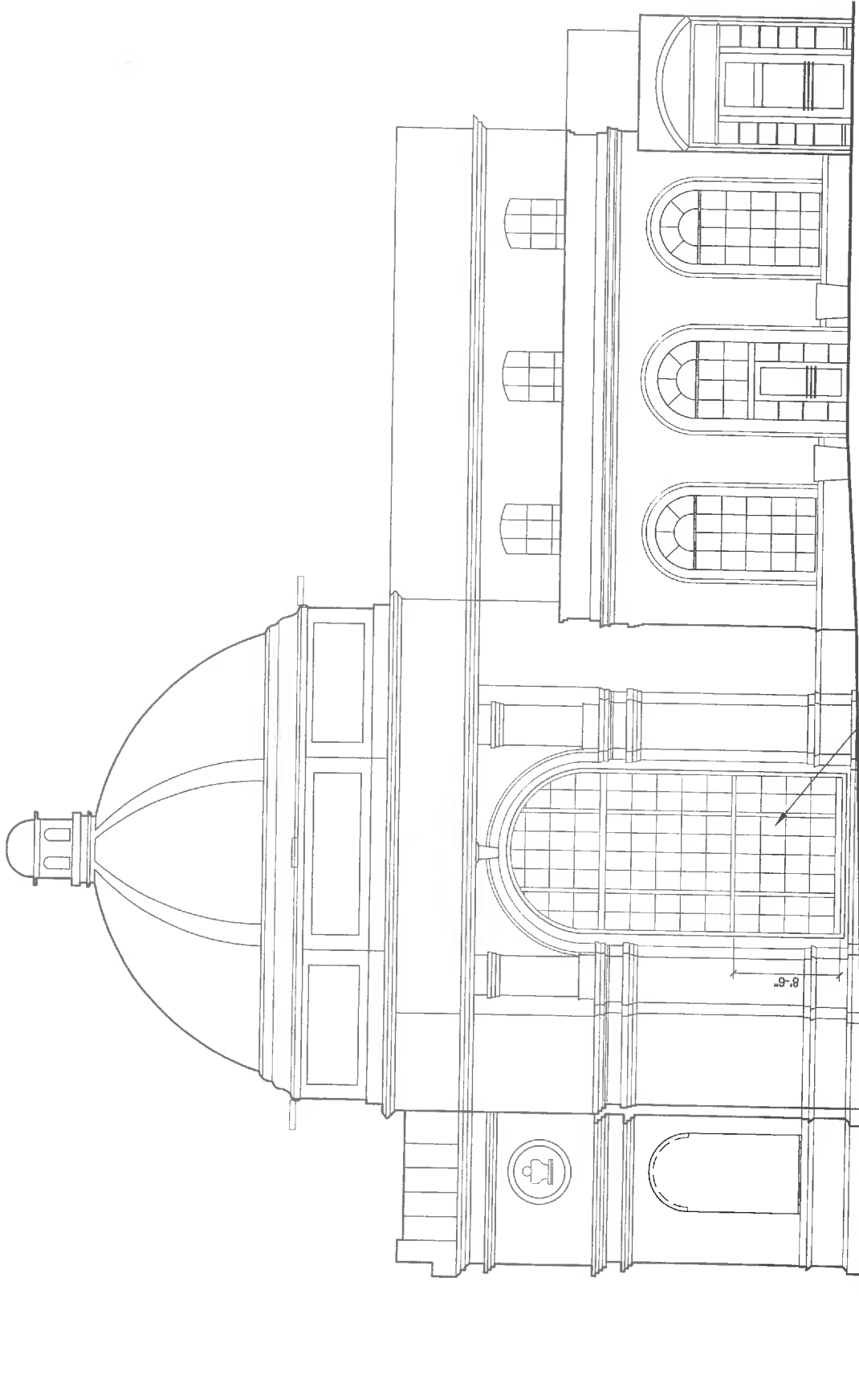




Exterior view - Westwood Blvd.

FIRST SET OF DRAWINGS SUBMITTED BY APPLICANT TO NEIGHBORHOOD COUNCILMAN AT LAURENCE BO CALLINGS SYNOPSIS TO LAS 15011  
STANBIS REPAIR/RESTORATION OF DAMAGED WINDOW

MS. 21 2017 01/09/14 x3  
EXHIBIT 10 BIZ PICTURES SW



REMOVE PLATE GLASS LOWER PORTION AND  
REPLACE WITH NEW STEEL STOREFRONT  
TO MATCH EXISTING



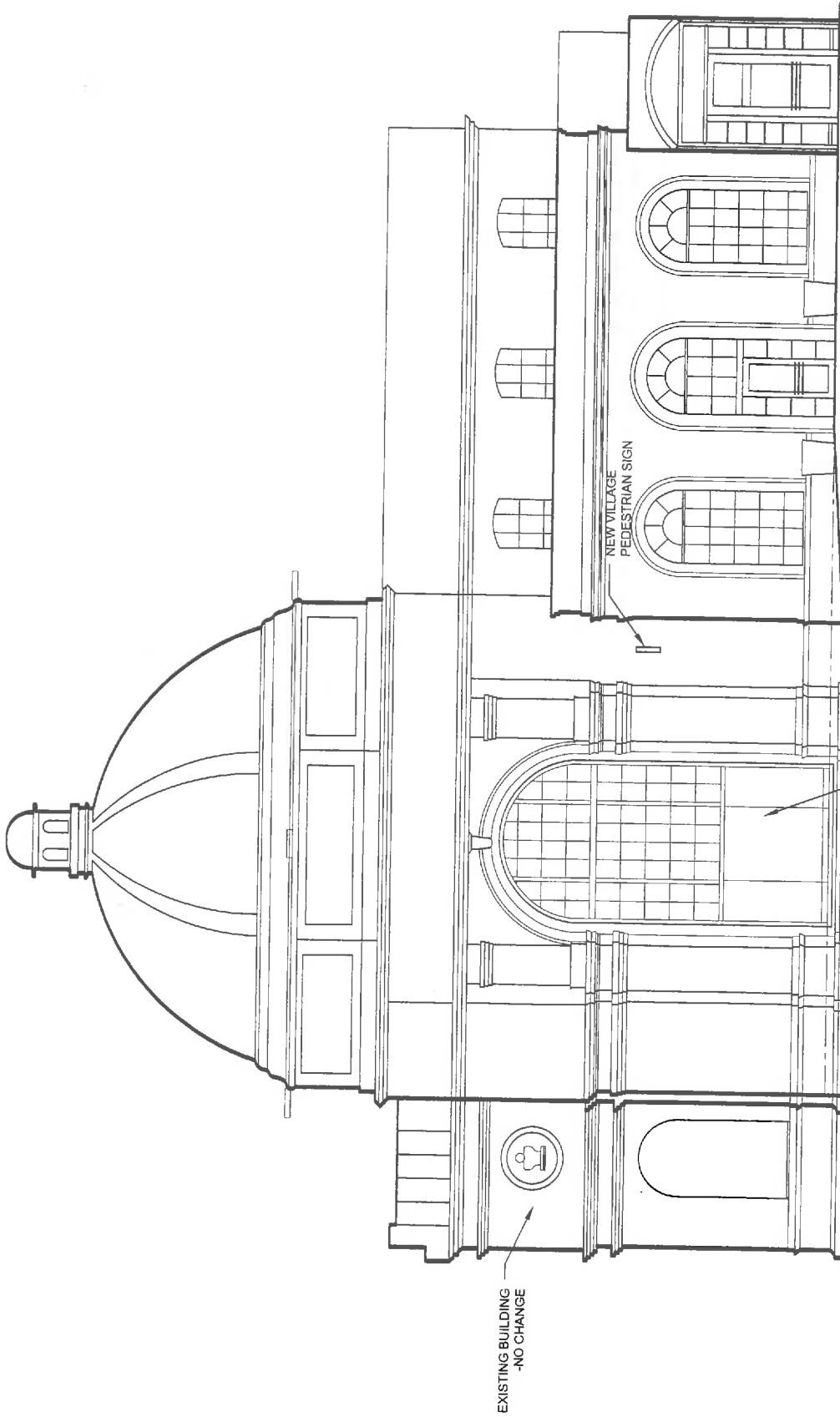
ANTHONY ECKELBERRY, ARCHITECT  
ARCHITECTURAL DESIGN STUDIO, INC  
anthony@eckelberry.biz



EAST ELEVATION

15

SECOND SET OF PANS SUBMITTED BY APPLICANT TO RECONSTRUCT CORNER  
AGAIN SHOWING REMARK/RESTORATION OF DAMAGED WINDOW, WITH  
ARCHITECT'S EXPRESS NOTATION.  
EXHIBIT 11/8/12 PICTURE FOR SH



"BATT & SWITCH"

ALBANY

NOTE: REMOVED!

ANTHONY ECKELBERRY, ARCHITECT  
ARCHITECTURAL DESIGN STUDIO, INC  
anthony@eckelberry.biz

EAST ELEVATION

ALTERED SET OF PLANS SUBMITTED BY APPLICANT TO  
PLANNING DEPARTMENT, LEAVING NOTE & DRAWINGS,  
CONTRARY TO WHAT WAS<sup>FOR</sup> SHOWN TO BY WESTWOOD N.C.  
<sup>EXHIBIT 1201/2 PICTURES FOR</sup>

DEPARTMENT OF  
CITY PLANNING

CITY PLANNING COMMISSION

DAVID H. J. AMBROZ  
PRESIDENT

RENEE DAKE WILSON  
VICE-PRESIDENT

CAROLINE CHOE  
VAHID KHORSAND  
JOHN W. MACK  
SAMANTHA MILLMAN  
MARC MITCHELL  
VERONICA PADILLA-CAMPOS  
DANA M. PERLMAN

ROCKY WILES  
COMMISSION OFFICE MANAGER  
(213) 978-1300

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

EXECUTIVE OFFICES  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

<http://planning.lacity.org>

WESTWOOD VILLAGE SPECIFIC PLAN  
PROJECT PERMIT COMPLIANCE REVIEW &  
DESIGN REVIEW

November 30, 2017

**Applicant**

Cary Berger  
Artisanal Brewers Collective, LLC  
224 East Olive Avenue  
Burbank, CA 91502

**Applicant's Representative**

Margaret Taylor  
Apex LA  
5419 Hollywood Boulevard  
Los Angeles, CA 90027

**Property Owner**

Westwood Dome Partners, LP  
6300 Wilshire Boulevard Unit 1800  
Los Angeles, CA 90048

**Case No.**

**CEQA:**

**Location:**

**Council District:**

**Neighborhood Council**

**Community Plan Area:**

**Land Use Designation:**

**Zone:**

**Legal Description:**

**DIR-2017-2942-DRB-SPP**

**ENV-2017-2943-CE**

1099 Westwood Blvd.

5 – Koretz

Westwood

Westwood

Community Commercial

C4-2D-O

Lot 1, Block 5, Tract  
10600

**Last Day to File an Appeal:** December 15, 2017

**DETERMINATION**

Pursuant to Los Angeles Municipal Code Sections 16.50 and 11.5.7, the Westwood Community Design Review Board Specific Plan, the Westwood Village Specific Plan and based upon the recommendation of the Westwood Design Review Board, I have reviewed the proposed project, and as a designee of the Director of Planning, I hereby:

**Approve with Conditions** a Project Permit Compliance Review and Design Review for façade improvements to an existing patio, installation of a rooftop equipment screen, and new signage.

DETERMINED based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15311, Article III, Class 11 and Category 1 (Accessory Structures) of the City of Los Angeles CEQA Guidelines, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section

This approval is subject to the following terms and conditions:

### CONDITIONS OF APPROVAL

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, stamped "Exhibit A," and attached to the subject case file. No change to the plans will be made without prior review by the Department of City Planning, Plan Implementation Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Signs.** The project shall install one wall sign and one village pedestrian sign. **The wall sign shall be 36 inches in height and the village pedestrian sign shall be centered on the north pillar, adjacent to the ADA compliant entrance. The bottom of the village pedestrian sign shall align with the top of the door header and shall be 24 inches X 24 inches.**
3. **Landscaping.** The project shall remove existing patio perimeter cover and be replaced with painted steel grid railing painted "weather board" (DE6222) and concrete planters in precast white as indicated on plans stamped exhibit A. The project shall protect and preserve all architectural features to the existing building.
4. **Screening.** The new stucco screen wall shall be painted to match the existing building and shall not exceed 5 feet in height. The installation shall protect and preserve all architectural features of the existing building.

### Administrative Conditions

5. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
6. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
7. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
8. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.



9.

Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.

10. **Condition Compliance.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.

11. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:

- i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense

of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## FINDINGS

The proposed project, located at 1099 Westwood Boulevard, involves a ground floor tenant space within a designated Locally Significant Cultural Resource/National Register Eligible Cultural Resource (No.36 "Glendale Federal Savings" Building) per the Westwood Village Specific Plan. The building was constructed in 1929 in Spanish Colonial Revival with Classical Revival Influence architectural style and is a total of 28,391 square feet with frontages along both Broxton Avenue and Westwood Boulevard. The project proposes improvements to the existing patio (which does not have historic significance), the installation of a new stucco wall to screen mechanical equipment, and new signage at the subject tenant space.

The perimeter patio improvements include the installation of new steel grid railings painted in "weather Board" (DE6222), new concrete planters precast in white, new closure panels below the floor to match the concrete planters, and new patio umbrellas in sunbrella material painted in "taupe".

The installation of a new stucco screen wall will match the color of the existing building and will be 5 feet tall. The installation of the new screen wall will not remove any historically significant features/elements on the existing building.

The new signage includes one wall sign to be centered along the existing archway windows above the main entrance doors and one village pedestrian sign to be centered on the north pillar adjacent to the ADA compliant entrance door. **The bottom of the village pedestrian sign shall be aligned with the top of the door header and shall be 24 inches X 24 inches. The wall sign shall be no more than 36 inches in height.** Both the wall sign and village pedestrian sign will include the Fermenter logo along with the street name "Broxton".

Although the project is located in a Locally Significant Resource/National Register Eligible Cultural Resource, a Certificate of Appropriateness is not required as it involves façade improvements to the patio area (which is not historically significant), an equipment stucco screen wall to match the existing building that will not remove any historical significant features/elements to the existing building, and a sign installation with no changes or removal of features to the exterior of the building. All existing, character-defining architectural features will remain. The proposed use is unchanged, and the tenant space will remain a Restaurant establishment use.

### Design Review Finding

1. **A recommendation was made by the Westwood Community Design Review Board, pursuant to Los Angeles Municipal Code Section 16.50:**

The Design Review Board met on October 4, 2017, and convened a quorum of five Board Members. The DRB's vote was unanimous recommending approval of the project with conditions since the project will substantially comply with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Specific Plan.

The Design Review Board recommendation included approval of the project as presented with the following conditions:

1. The village pedestrian sign shall be centered on the north pillar adjacent to the ADA compliant entrance. The bottom of the sign shall align with the top of the door header

and shall be 24 inches X 24 inches.

2. Sign "A" as indicated on page 17 of Exhibit A, (Fermenter Logo) shall be reduced proportionately to 36 inches in height.

### **Project Permit Compliance Findings**

2. **The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**

The proposed project involves façade improvements to the patio area, installation of a new, 5-foot, stucco wall to screen rooftop mechanical equipment, and a sign installation at an existing permitted Restaurant establishment use within a two-story commercial building. Although the project is located in a Locally Significant Cultural Resource/ National Register Eligible Cultural Resource per the Westwood Village Specific Plan (No.36 "Glendale Federal Savings" Building) a Certificate of Appropriateness is not needed. The proposed façade improvements are limited to the patio dining area (determined not to have historic/cultural significance) and the stucco wall will not remove or disturb any historical features/elements along the existing building. No improvements to the existing structure are proposed. No changes to use, floor area, height, setbacks, parking or development standards are proposed, approved or authorized. Therefore, Sections 5, 6,7,8,9 and 10 of the Specific Plan are not applicable. A Village-Wide Improvements Assessment District has not been established; therefore, Section 12 of the Specific Plan is not applicable.

- a. The proposed project substantially complies with Section 11, Signs, of the Westwood Village Specific Plan. The proposed project includes the installation of one wall sign and one Village pedestrian sign.

As depicted in Exhibit A, the wall sign will be mounted along the archway storefront entrance, centered horizontally along the upper windows located at the intersection of Broxton Avenue and Westwood Boulevard. The wall sign will be halo lit and comprise of individual channel letters with no backs and hollow centers. The wall sign will be mounted by a baseplate mount tube to support the second surface pinned to the existing stucco plaster wall. The face of the wall sign will be aluminum and painted bronze (Matthew's Dark Bronze MG41313) with matte finish. The lighting will consist of blue LED illumination. Per the Specific Plan, wall signs are a permitted sign type, and one wall sign is permitted for each façade that abuts a street. The total sign area will for the wall sign will be 20 square feet which is well within the allowable size of 1.5 square feet for each foot of frontage, but not to exceed 75 square feet. The frontage of the subject tenant space is approximately 460 feet allowing a wall sign of up to 75 square feet. The height of the sign will be 25 feet from the sidewalk to the top of the sign. Although the height of the wall sign, measured from the sidewalk to the top of the sign, will exceed the 20 foot height limit for signs in the Specific Plan, a Specific Plan exception on the property was granted per Case No.98-0224(SPE) on November 10, 1998 allowing a wall sign at the subject property for a height of no more than 33 feet.

As depicted in Exhibit A, the village pedestrian sign will be installed and centered on the north pillar adjacent to the ADA entrance doors along Westwood Boulevard. The new signage will reflect the current street name "Broxton" and fermenter logo as well. The village pedestrian sign will consist of a fabricated aluminum cabinet to be painted dark bronze and a thick bronze face with a light polish finish. The dimensions of the village pedestrian sign will be 24 inches wide and 24 inches in length for a total of 4 square feet which meets the allowable vertical or horizontal dimension of 30 inches for a village

pedestrian sign. The height of the sign will be limited to 9 feet 6 inches in height, which is well within the 20 foot sign height limitation.

- b. The proposed project substantially complies with Section 13, Design Review Procedures, which requires that a proposed project be reviewed and approved in accordance with Design Review Board (DRB) procedures of Section 16.50 and the Specific Plan procedures of Section 11.5.7 of the Los Angeles Municipal Code. The proposed project has been reviewed in accordance with the DRB and Specific Plan procedures of the Los Angeles Municipal Code. The review and recommendation of the Westwood Community DRB was based upon conformance with the criteria in Section 13, as described below.

The proposed project involves façade improvements to the perimeter patio, the installation of a new stucco wall to match the color of the existing building to screen machinery equipment, and new signage that includes one wall sign and one village pedestrian sign. There is no increase in square footage or change in the footprint of the building. Therefore, design review criteria in Section 13.B. regarding a building's shadow impacts, massing, scale, and architectural style are not applicable.

1) *The project shall be consistent with the Westwood Village Design Guidelines.*

Specific design guidelines for Westwood Village have not been adopted; however, as described below, the proposed project conforms to the design preferences of the Westwood Community Design Review Board (DRB), as articulated in, "*Westwood Design Review Board: Practices and Preferences*," regarding Massing, Building Systems and Materials, stucco, and signage.

The façade improvements along the patio perimeter include the installation of new steel grid railings painted in "Weather Board" (DE6222), new concrete planters precast in white, new closure panels below the floor will match the concrete planters, and new patio umbrellas in sunbrella material to be painted "taupe". Any new metal colors such as railing, gates, and concrete planters from the installation, will match with the existing building and will be integrated with building design as show in detail in Exhibit A as articulated in the "*Westwood Design Review Board: Practices and Preferences*," regarding Massing, Building Systems and Materials.

The installation of a 5-foot stucco wall to screen the machinery equipment will be painted match the color of the existing building and will be finished with a coat that will be cured to minimize cracking as articulated in the "*Westwood Design Review Board: Practices and Preferences*," regarding stucco.

The wall sign is comprised of internally-illuminated individual channel letters and will be pinned by mechanical anchors that are located substantially inboard to render a hovering effect as encouraged per the "*Westwood Design Review Board: Practices and Preferences*," regarding signage. The wall sign will also not incorporate a raceway as encouraged per the "*Westwood Design Review Board: Practices and Preferences*," regarding signage. The plans also indicate that previous signage will be removed and any holes or damage that exists will be repaired as encouraged per the "*Westwood Design Review Board: Practices and Preferences*," regarding signage.

The DRB found that the design of the signage (including size, color scheme and placement) was not garish and found to be well designed, very clean in appearance, and consistent in height, projection, and size with the other wall signs and village pedestrian signs on the subject building.



- 2) *The colors and types of building materials shall be reasonably consistent with the character of cultural resources in the area.*

The colors and materials for the façade improvements are compatible with the contemporary architecture style of the Cultural Resource/Historic Cultural Monument and the character of the cultural resources in the surrounding area. The new patio enclosure will comprise of steel grid railings painted in "weather Board" (DE6222), the new concrete planters will be precast in white, the new closure panels below the floor will match the concrete planters, and the new patio umbrellas will consist of sunbrella material painted in "taupe". The new 5-foot tall stucco wall that will screen the machinery equipment will consist of the same color as the existing building. The new signage will be made of fabricated aluminum, metal, as well as painted bronze with a matte finish. The materials and colors of these façade improvements were recommended approval from the Westwood Design Review Board and were found to be compatible with the architectural style of the building.

- 3) *All open areas not used for buildings, walkways or driveways will be landscaped.*

The proposed project involves an existing building with an existing outdoor patio seating area in front of the storefront. As part of the façade improvements, the existing patio perimeter will be removed and replaced with new steel grid railings, new concrete planters, new closure panels to match the concrete planters, and new patio furniture including umbrellas in front of the storefront. Landscaping will include shrubs and flowers per the landscape plan in Exhibit A.

- 4) *The massing of the building shall relate in scale to surrounding cultural resources and shall be appropriate to the pedestrian oriented character of the Westwood Village.*

Since the façade improvement is to the front of the storefront along the patio area, and the new stucco wall will only be 5-feet tall to screen the machinery equipment and will match the existing color of the building, and signage it will allow the massing of the building to relate in scale to the surrounding cultural resources and will be appropriate to the pedestrian oriented character of the Westwood Village. There are several outdoor patio seating areas along Broxton Avenue which are in scale to the existing outdoor patio seating area on-site.

- 5) *The architectural style of the building shall relate to surrounding cultural resources.*

The subject property is located within a Locally Significant Cultural Resource/National Register Eligible Cultural Resource (No.36 "Glendale Federal Savings" Building) per the Westwood Village Specific Plan Figure 2 and developed with Spanish Colonial Revival with Classical Revival Influence architectural style built in 1929. The surrounding cultural resources include (No. 39 "Rezzo" Building) to the north developed in Mediterranean architectural style built in 1929 and Locally Significant Cultural Resource (No. 26 "Hamlet Gardens" Building) also in Mediterranean architectural style built in 1933 to the south, per the Westwood Village Specific Plan Figure 2.

Since façade improvements are proposed to the existing patio seating area of the subject building, the installation of the 5-foot tall screen wall that will not remove any historical features of the existing building, and a sign installation, the architectural style of the building shall remain related to the surrounding cultural resources.

- 6) *Any exterior treatment including color, texture, and other architectural features, shall be applied to all exterior walls in a similar manner.*

As depicted in Exhibit A, the façade improvements consists of perimeter patio improvements, including the installation of new steel grid railings painted in "weather Board" (DE6222), new concrete planters precast in white, new closure panels below the floor to match the concrete planters, and new patio umbrellas in sunbrella material painted "taupe".

The façade improvements also include the installation of a new stucco screen wall that will match the color of the existing building and will be 5 feet tall. The installation of the new screen wall will not remove any historically significant features/elements on the existing building.

The façade improvements also include new signage including one wall sign to be centered along the existing archway windows and one village pedestrian sign to be located adjacent to the ADA compliant entrance door. The bottom of the village pedestrian sign will be aligned with the top of the door header and shall be 24 inches X 24 inches. The wall sign shall be no more than 36 inches in height. Both the wall sign and village pedestrian sign will include the Fermenter logo along with the street name "Broxton".

The project does not propose to remove or alter any historical significant features on the existing building and all other architectural elements, colors, and materials will remain as is.

### **Environmental Review Finding**

3. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

A Categorical Exemption, ENV-2017-2943-CE, has been prepared for the proposed project consistent with the provisions of the California Environmental Quality Act and the City CEQA Guidelines. The project proposes façade improvements to the outdoor patio area, installation of a new 5-foot tall stucco wall to screen mechanical equipment, and a sign installation to an existing Restaurant establishment. The Categorical Exemption prepared for the proposed project is appropriate pursuant to CEQA Guidelines, Section 15311, Article III, Class 11 and Category 1 (Accessory Structures) of the City of Los Angeles CEQA Guidelines and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

### **OBSERVANCE OF CONDITIONS - TIME LIMIT – LAPSE OF PRIVILEGES**

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

## TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

## VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."

## APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then the applicant or his successor in interest may be prosecuted for violating these conditions the same as for any violation of the requirements contained in the Municipal Code, or the approval may be revoked.

**The Determination in this matter will become effective and final fifteen (15) days after the date of mailing of the Notice of Director's Determination** unless an appeal there from is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of this Determination, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at [www.lacity.org/pln](http://www.lacity.org/pln).

Planning Department public offices are located at:

Figueroa Plaza  
201 North Figueroa Street,  
4th Floor  
Los Angeles, CA 90012  
(213) 482-7077

Marvin Braude San Fernando Valley  
Constituent Service Center  
6262 Van Nuys Boulevard,  
Room 251  
Van Nuys, CA 91401  
(818) 374-5050

West Los Angeles  
Development Services Center  
1828 Sawtelle Boulevard,  
2nd Floor  
Los Angeles, CA 90025  
(310) 231-2912

Verification of condition compliance with building plans and/or building permit applications are done at the Development Services Center of the Department of City Planning at either Figueroa Plaza in Downtown Los Angeles or the Marvin Braude Building in the Valley. In order to assure that you receive service with a minimum amount of waiting, applicants are encouraged to schedule an appointment with the Development Services Center either by calling (213) 482-7077 or through the

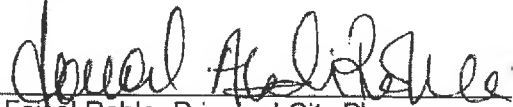
Department of City Planning website at <http://cityplanning.lacity.org>. The applicant is further advised to notify any consultant representing you of this requirement as well.

The time in which a party may seek judicial review of this determination is governed by California Code of Civil Procedures Section 1094.6. Under that provision, a petitioner may seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, only if the petition for writ of mandate pursuant to that section is filed no later than the 90th day following the date on which the City's decision becomes final.

VINCENT P. BERTONI, AICP

Director of Planning

Approved by:

  
Faisal Roble, Principal City Planner

Reviewed by:

  
Debbie Lawrence AICP, Senior City Planner

Reviewed by:

  
Jason Chan, City Planner

Prepared by:

  
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